

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK

3 -----
4 UNITED STATES OF AMERICA,

5 -versus-
6 CAMMRON ROBINSON.

18-CR-404

7 -----
8 TRANSCRIPT OF CHANGE OF PLEA

9 held in and for the United States District Court, Northern
10 District of New York, at the Federal Building, 15 Henry
11 Street, Binghamton, New York, on December 13, 2018, before
12 the HON. THOMAS J. McAVOY, Senior United States District
13 Court Judge, PRESIDING.

14

15 APPEARANCES:

16 FOR THE GOVERNMENT:

17 UNITED STATES ATTORNEY'S OFFICE

18 BY: GEOFFREY BROWN, AUSA

19 Syracuse, New York

20

21 FOR THE DEFENDANT:

22 FEDERAL PUBLIC DEFENDER'S OFFICE

23 BY: LISA PEEBLES, FPD

24 Syracuse, New York

25

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1 THE CLERK: United States of America versus
2 Cammron A. Robinson 1:2018-CR-404. Can we please have the
3 appearances for the record.

4 MR. BROWN: Geoffrey Brown for the United States.
5 Good morning, your Honor.

6 THE COURT: Morning, Mr. Brown.

7 MISS PEEBLES: Lisa Peebles appearing on behalf of
8 Cammron Robinson. Mr. Robinson is also present. Good
9 morning, your Honor.

10 THE COURT: Morning, Miss Peebles; morning,
11 Mr. Robinson.

12 THE DEFENDANT: Morning, Judge.

13 THE CLERK: Will the defendant please rise and
14 raise your right hand.

15 (Defendant was duly sworn)

16 THE COURT: All right. Miss Peebles, as I
17 understand it your client, Mr. Robinson, today wishes to
18 waive his right to indictment by a grand jury and enter a
19 plea of guilty to counts one, two, three and four of the
20 information filed by the government and admit to the
21 forfeiture allegations contained in that charge. Is that
22 your understanding?

23 MISS PEEBLES: It is, your Honor.

24 THE COURT: Mr. Brown, is that your understanding?

25 MR. BROWN: Yes, your Honor.

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1 THE COURT: All right. Mr. Robinson, I'm going to
2 ask you a series of questions and to begin with, would you
3 please state your full name for us.

4 THE DEFENDANT: Cammron L. Robinson.

5 THE COURT: How old are you?

6 THE DEFENDANT: Twenty-three.

7 THE COURT: What's your date of birth?

8 THE DEFENDANT: January 3, 1995.

9 THE COURT: Are you married?

10 THE DEFENDANT: No.

11 THE COURT: Do you have any children?

12 THE DEFENDANT: No.

13 THE COURT: How far did you go in school?

14 THE DEFENDANT: Nine credits short of college
15 associates.

16 THE COURT: Say that again.

17 THE DEFENDANT: Nine credit short of college
18 associate's degree.

19 THE COURT: What kind of work have you done over
20 the years?

21 THE DEFENDANT: Life guarding, food services, IT.

22 THE COURT: Have you had any alcohol or narcotics
23 in the past 48 hours?

24 THE DEFENDANT: No.

25 THE COURT: Are you currently or have you recently

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1 been under the care of any physician, psychiatrist or other
2 medical care provider for any physical or mental condition?

3 THE DEFENDANT: Yes.

4 THE COURT: Tell me about it.

5 THE DEFENDANT: ADHD, ADD, PTSD, insomnia, bipolar,
6 anxiety and depression.

7 THE COURT: Are you taking any medications at the
8 present time?

9 THE DEFENDANT: Yes.

10 THE COURT: What are you taking?

11 THE DEFENDANT: Seroquel, Remeron and Clonidine.

12 THE COURT: Are any of those medications or
13 combination thereof interfering with your ability to
14 understand the charge and the consequences?

15 THE DEFENDANT: No.

16 THE COURT: Did the Court appoint Miss Peebles to
17 represent you?

18 THE DEFENDANT: Yes.

19 THE COURT: Has she shown you a copy of the
20 information?

21 THE DEFENDANT: Yes.

22 THE COURT: Did she explain the charge in the
23 information to you?

24 THE DEFENDANT: Yes.

25 THE COURT: Did she explain to you that you used a

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1 computer and other electronic means to engage people under
2 the age of 18 in sexually explicit conduct for the purpose of
3 causing the transmission of visual images of that conduct in
4 interstate commerce by using means of items that were
5 transported and in and through interstate commerce. Do you
6 understand that charge?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. Now, the charges in counts
9 one, two, three and four, they're all felony charges and you
10 can't be convicted of a felony unless one of two things
11 happens: Either the case is sent to the grand jury and it
12 indicts you or, like today, you waive or give up your right
13 to indictment and consent to being charged to the charges
14 made in counts one through four in the information instead of
15 being indicted. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Now, did you talk to Miss Peebles about
18 waiving your right to indictment?

19 THE DEFENDANT: Yes.

20 THE COURT: And do you understand that you do have
21 a right to have this matter presented to and considered by a
22 grand jury and have it indict you?

23 THE DEFENDANT: Yes.

24 THE COURT: Has anybody made any promises or
25 threats to you to induce you to waive indictment?

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1 THE DEFENDANT: No.

2 THE COURT: Do you wish to waive your right to
3 indictment by a grand jury?

4 THE DEFENDANT: Yes.

5 THE COURT: All right. Miss Peebles, do you see
6 any reason why your client should not waive his right?

7 MISS PEEBLES: No, your Honor.

8 THE COURT: All right. The Court will find that
9 the waiver was made knowingly and voluntarily and will accept
10 the waiver.

11 Now, in a few moments I'll ask you some
12 additional questions in order to learn if you're pleading
13 guilty freely and voluntarily with an understanding of the
14 charges and the consequences. I'm going to be asking you if
15 anybody has made any promises of leniency to you to induce
16 you to plead guilty, except what's in your plea agreement, or
17 if anybody has threatened you with the use of force to induce
18 you to plead guilty.

19 I'm going to listen to something about what
20 you did in this case so the Court can establish that there's
21 a factual basis for accepting and entering your plea and I'm
22 going to ask you to reaffirm the information you just gave me
23 about your personal history and background and I want to
24 advise you if your answers are not truthful, they may later
25 be used against you in a prosecution for perjury or for

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1 making a false statement.

2 Now, before I ask you those additional
3 questions and before the clerk takes your plea on the count,
4 four counts, I have to advise you of certain rights that you
5 have in connection with this matter. First of all, you have
6 the right to persist in your original plea of not guilty as
7 to all counts. You have the right to a speedy and a public
8 trial by an impartial jury of 12 persons or to a trial by the
9 Court alone if you were to waive or give up your right to a
10 jury trial.

11 At such a trial you'd have the right to the
12 assistance of an attorney. You'd have the right to confront,
13 that is, to see and hear any witnesses sworn against you and
14 to cross-examine them. You'd have the right to remain silent
15 or to testify in your own behalf but you couldn't be
16 compelled to incriminate yourself or to testify at all and
17 your silence couldn't be held against you in any way nor
18 could any inferences of guilt be drawn against you if you
19 decided not to testify.

20 You'd have the right to use the subpoena or
21 other processes of the Court, to compel witnesses to attend
22 the trial and testify and to obtain any documentary or other
23 evidence you might wish to offer in your own defense.

24 Now, if the Court accepts your plea of guilty
25 here this morning, you're going to waive or give up all those

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1 rights, there won't be a trial of any kind and the Court will
2 have the same power to sentence you as if you'd been found
3 guilty after a trial on the counts to which you're pleading.

4 Now, you told me a few moments ago that you
5 discussed the charges in the information with Miss Peebles
6 and she explained those to you and you understood them. Was
7 that true?

8 THE DEFENDANT: Yes.

9 THE COURT: Did she also tell you about the
10 potential statutory sentences and the consequences of
11 pleading guilty?

12 THE DEFENDANT: Yes.

13 THE COURT: Did she talk to you about the
14 guidelines?

15 THE DEFENDANT: Yes.

16 THE COURT: Did she also tell you about your
17 chances of winning or losing if you decided to go to trial,
18 trial strategy and defenses?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. The Court wants to advise
21 you lastly that your plea of guilty constitutes a waiver or
22 giving up of your right against self-incrimination and I
23 don't want you to plead guilty unless you're, in fact, guilty
24 of the charges made in the information.

25 Do you still wish to plead guilty?

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1 THE DEFENDANT: Yes.

2 THE COURT: Madam clerk.

3 THE CLERK: As to the information, United States
4 Attorney charges in or about 2015 through 2017, in Ulster
5 County, Northern District of New York, the defendant, Cammon
6 Robinson, did employ, use, persuade, induce, entice and
7 coerce the minors listed below to engage in sexually explicit
8 conduct for the purpose of willfully causing the production
9 of visual depictions of such conduct, and for the purpose of
10 willfully causing the transmission of a live visual depiction
11 of such conduct, knowing and having reason to know that such
12 visual depictions would be transported and transmitted using
13 any means and facility of interstate and foreign commerce and
14 in and affecting interstate and foreign commerce, and where
15 the visual depictions were produced using materials that had
16 been mailed, shipped and transported in and affecting
17 interstate and foreign commerce, by any means, including by
18 computer, and where such visual depictions were actually
19 transported and transmitted using any means or facility of
20 interstate commerce, interstate or foreign commerce or in or
21 affecting interstate or foreign commerce, in violation of
22 Title 18, United States Code, Sections 2251(a) and (e)
23 and (2)(b).

24 Count one, V-1, a male child under the age of
25 13.

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1 Count two, V-2, a male child under the age of
2 14.

3 Count three, V-3, a male child under the age
4 of 12.

5 Count four, V-4, a male child under the age of
6 12.

7 As to counts one through four how do you
8 plead?

9 THE DEFENDANT: Guilty.

10 THE CLERK: Do you admit to the forfeiture
11 allegation as contained in the information?

12 THE DEFENDANT: Yes.

13 THE CLERK: Thank you.

14 THE COURT: All right. Mr. Robinson, a few moments
15 ago I asked you your name, your age, date of birth, a little
16 bit about your educational background and work history,
17 little bit about your family situation, if you had ingested
18 any materials that would interfere with your ability to
19 understand the charges and consequences, were you under the
20 care and treatment of any medical care providers and what
21 conditions you're being treated for and what medications were
22 you taking. I asked you did you have counsel, did she
23 explain the charges to you and did you understand them.

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1 THE DEFENDANT: Yes.

2 THE COURT: Has Miss Peebles advised you of your
3 rights in this case?

4 THE DEFENDANT: Yes.

5 THE COURT: Is there anything you'd like to ask me
6 about your rights this morning?

7 THE DEFENDANT: No.

8 THE COURT: Are you satisfied what Miss Peebles has
9 done for you so far?

10 THE DEFENDANT: Yes.

11 THE COURT: Has Miss Peebles or Mr. Brown or any
12 public officials or anyone made any promises to you that
13 you'd be treated leniently in exchange for your plea of
14 guilty, except what's in your plea agreement?

15 THE DEFENDANT: Yeah.

16 THE COURT: Tell me about it.

17 THE DEFENDANT: The fact that if I accept the plea,
18 I should --

19 THE COURT: You're going to have to speak into the
20 microphone.

21 THE DEFENDANT: Never mind, your Honor.

22 THE COURT: So no one's made any promises to you
23 that you'd be treated leniently, except what's in your plea
24 agreement, right?

25 THE DEFENDANT: No.

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1 THE COURT: Right or wrong?

2 THE DEFENDANT: Right. I misunderstood you.

3 THE COURT: Has anybody threatened you with the use
4 of force to induce you to plead guilty?

5 THE DEFENDANT: No.

6 THE COURT: Are you pleading guilty freely and
7 voluntarily?

8 THE DEFENDANT: Yes.

9 THE COURT: Are you currently on probation from any
10 other court or parole from any institution?

11 THE DEFENDANT: No.

12 THE COURT: All right. Mr. Brown, does the
13 government have sufficient evidence to prove Mr. Robinson
14 guilty beyond a reasonable doubt of the charges contained and
15 set forth in counts one, two, three and four in this case?

16 MR. BROWN: Yes, your Honor.

17 THE COURT: What would you prove if we went to
18 trial?

19 MR. BROWN: Thank you, your Honor. The United
20 States of America submits that if this case were to go to
21 trial, the government would establish the following facts
22 beyond a reasonable doubt. This is a brief summary of those
23 facts which are laid out in more detail in the plea
24 agreement.

25 First, at all times relevant to the indictment

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1 the defendant was living in Ulster County, New York which is
2 located in the Northern District of New York.

22 At the time he engaged in the conduct
23 described above, the defendant knew the boys involved were
24 under the age of 18.

25 Among the images and videos created as a

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1 result of the defendant's conduct and possessed by the
2 defendant on his laptop computer, Lenovo laptop, are the
3 following:

4 Video file stored in the file folder under
5 Victim-1's true name that's approximately eight minutes long
6 and depicts Victim-1 masturbating.

7 A video file stored in Victim-2's true name
8 that is approximately 29 minutes long and depicts Victim-2
9 masturbating.

10 Three, images stored in a file folder under
11 Victim-3's true name that depict Victim-3's genitals
12 displayed in a lewd and lascivious manner.

13 A video file stored in a file folder under
14 Victim-4's true name that's approximately 23 minutes long and
15 depicts Victim-4 masturbating while the defendant tells
16 Victim-4 where to place the cellular telephone so the camera
17 can best capture the child masturbating.

22 The defendant acknowledges that each of the
23 items listed in the forfeiture allegations of the information
24 in Paragraph 1(f) contain child pornography used or intended
25 to be used to facilitate child exploitation crimes.

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1 Thank you.

2 THE COURT: Can you prove that these events
3 occurred in the Northern District of New York?

4 MR. BROWN: Yes, your Honor. As originally stated,
5 at all times relevant to the conduct the defendant was living
6 in Ulster County, which is in the Northern District.

7 Thank you.

8 THE COURT: All right. Mr. Robinson, did you hear
9 and understand what Mr. Brown said about your conduct in this
10 case?

11 THE DEFENDANT: Yes.

12 THE COURT: Is that what you did?

13 THE DEFENDANT: Yes.

14 THE COURT: Is that your understanding,
15 Miss Peebles?

16 MISS PEEBLES: It is, your Honor.

17 THE COURT: Mr. Brown, would you please advise
18 Mr. Brown what the maximum penalty would be for the counts
19 involved?

20 MR. BROWN: Certainly, your Honor. The maximum
21 term of imprisonment for each count will be 30 years with a
22 mandatory minimum imprisonment of 15 years. The maximum fine
23 is \$250,000. The potential terms of supervised release would
24 be five years minimum to maximum of life. And there would be
25 a special assessment of \$100 per count.

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1 There's also collateral consequences of losing
2 the right to vote and requirement to register as a sex
3 offender and with respect to the guidelines, preliminary
4 calculation based upon the stipulation set forth in the plea
5 agreement, would be a guidelines range of 360 months to life.

6 THE COURT: All right. In addition to what
7 Mr. Brown stated about having adverse consequences, if the
8 Court were to sentence you to a period of incarceration
9 followed by a period of supervised release, if you violated
10 any of the terms and conditions imposed by the Court as to
11 the supervised release you'd be subject to a further term of
12 imprisonment. Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: Also, upon conviction of these
15 felonies, you're going to lose the right to possess and bear
16 firearms. You'll lose the right to vote in certain
17 jurisdictions and the right to hold public offices in certain
18 jurisdictions.

19 Also, under and pursuant to certain sentencing
20 guidelines referred to by Mr. Brown a moment or two ago that
21 used to be -- adopted by the United States that used to be
22 mandatory but are no longer mandatory but still must be
23 considered by the Court in the sentencing process, my
24 discretion in sentencing you is thereby affected and the
25 Court must follow the law as it stands today but sometimes

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1 the Court can sentence you above the guidelines or below the
2 guidelines or even outside of the guidelines depending upon
3 the facts, the circumstances and the law that's presented to
4 the Court at or about the time of sentencing.

5 So, do you understand what I just said about
6 the sentencing guidelines?

7 THE DEFENDANT: Yes.

8 THE COURT: Mr. Brown, you want to tell me what the
9 base offense level is.

10 MR. BROWN: Certainly, your Honor, base offense
11 level is a 32.

12 THE COURT: What's the total offense level?

13 MR. BROWN: The total offense level would be a 45
14 with the stipulations and if there are 3 points off for the
15 acceptance of responsibility aspect, that drops to a 42 which
16 becomes a guideline of 360 to life but, of course, given the
17 counts here it's not actually life, it would be 360. If all
18 the counts were stacked, 120 years.

19 THE COURT: What's the criminal history category?

20 MR. BROWN: One.

21 THE COURT: Okay. Mr. Robinson, did you sign your
22 plea agreement in this case?

23 THE DEFENDANT: Yes.

24 THE COURT: And did you talk it over with Miss
25 Peebles before you signed it?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Did you understand it when you signed
3 it?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Did you sign it voluntarily?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Miss Peebles, did you sign on behalf of
8 Mr. Robinson knowingly and voluntarily?

9 MISS PEEBLES: Yes, I did, your Honor.

10 THE COURT: Mr. Brown, did you sign on behalf of
11 the government knowingly and voluntarily?

12 MR. BROWN: Yes, your Honor.

13 THE COURT: Mr. Robinson, in your plea agreement on
14 page 9 at paragraph 7 you've informed the Court in writing
15 that you've agreed to give up or waive the right to appeal or
16 collaterally attack certain items in connection with this
17 matter and more particularly you've agreed to waive or give
18 up the right to appeal or collaterally attack the conviction
19 resulting from your guilty plea today; any claim that the
20 statute to which you're pleading guilty is unconstitutional;
21 any claim that the admitted conduct does not fall within the
22 scope of the statute; any sentence to a term of 240 months or
23 less; any sentence to a fine within the maximum permitted by
24 law and any sentence of a term of supervised release within
25 the maximum permitted by law. Did you understand -- also,

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1 any order of forfeiture or restitution imposed by the Court
2 that is consistent with governing law and is not contrary to
3 the terms of the plea agreement.

4 Now, did you understand and appreciate what
5 you were doing when you agreed to give up those rights?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: And did you do that voluntarily?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: All right. The Court also has to
10 advise you that it's not bound by any sentencing
11 recommendation contained in your plea agreement and you'll
12 have no right to withdraw your plea of guilty if the Court
13 decides not to accept any recommendations contained in the
14 plea agreement. The Court will, of course, however defer its
15 decision to reject or accept any recommendations in the plea
16 agreement until I've seen the presentence report prepared by
17 the probation department and any other materials that are
18 forwarded to me that bear on sentencing from the government
19 or from Miss Peebles or you or anybody on your behalf.

20 So, do you understand what I just said about
21 the Court's ability to reject any non-binding recommendation
22 in the plea agreement?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Now that you've heard about the
25 potential statutory sentence and the guidelines, do you still

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1 wish to plead guilty?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: And are you pleading guilty because
4 you're guilty?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Miss Peebles, would you state your
7 background and experience.

8 MISS PEEBLES: Yes, your Honor. I've been with the
9 Office of Federal Public Defender going on 20 years in July.
10 Prior to my employment with this office I was also working as
11 a private attorney handling cases, both retained and
12 assigned, in federal court.

13 THE COURT: All right. Approximately how much time
14 have you spent so far defending Mr. Robinson?

15 MISS PEEBLES: In my office, all together, more
16 than 45 hours. Myself, more than 25 hours, your Honor.

17 THE COURT: Have you had what you believe to be
18 adequate discovery of the government's case?

19 MISS PEEBLES: I have, your Honor.

20 THE COURT: Have you advised Mr. Robinson of his
21 rights, the nature of the charges and consequences of
22 pleading guilty?

23 MISS PEEBLES: I did, your Honor.

24 THE COURT: Except what's contained in the plea
25 agreement, have you made any promises or threats to induce

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1 him to plead guilty?

2 MISS PEEBLES: No, your Honor.

3 THE COURT: Are you satisfied that he's pleading
4 guilty freely and voluntarily with an understanding of the
5 charges and the consequences?

6 MISS PEEBLES: I am, your Honor.

7 THE COURT: Do you know of any defenses that he has
8 that would prevail if the case went to trial?

9 MISS PEEBLES: No, I do not.

10 THE COURT: Any reason he should not plead guilty?

11 MISS PEEBLES: No, your Honor.

12 THE COURT: Based on the foregoing the Court will
13 find that Mr. Robinson pled guilty freely and voluntarily;
14 that he is and was competent to enter such a plea; that he
15 understands the charges against him and the consequences of
16 pleading guilty; that there is and was a basis in fact for
17 the Court accepting and entering the plea.

18 The Court will set sentencing for Wednesday,
19 April 17, 2019 at 10 AM in Albany, New York.

20 Is there anything further from the government?

21 MR. BROWN: No, your Honor. Thank you.

22 THE COURT: Defense counsel?

23 MISS PEEBLES: No, your Honor. Thank you.

24 THE COURT: Thank you everybody. Court stands
25 adjourned in this matter.

1 (Court stands adjourned)

2

3 CERTIFICATE OF OFFICIAL REPORTER

4

5 I, VICKY A. THELEMAN, Federal Official

6 Realtime Court Reporter, in and for the United

7 States District Court for the Northern District of

8 New York, do hereby certify that pursuant to Section

9 753, Title 28 United States Code that the foregoing

10 is a true and correct transcript of the

11 stenographically reported proceedings held in the

12 above-entitled matter and that the transcript page

13 format is in conformance with the regulations of the

14 Judicial Conference of the United States.

15

16

17 /s/ Vicky A. Theleman

18 VICKY A. THELEMAN, RPR, CRR

19 US District Court - NDNY

20

21

22 Dated: June 21, 2019.

23

24

25